UNITED NATIONS **S**

Security Council

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S/1999/1019
1 October 1999

ORIGINAL: ENGLISH

LETTER DATED 1 OCTOBER 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to convey its great concern at the new unilateral and arbitrary decision of the United Nations civil presence in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, to open Pristina Airport for commercial flights.

By taking that decision, the United Nations Interim Administrative Mission in Kosovo (UNMIK) has violated the security system of civilian air traffic in the Federal Republic of Yugoslavia which, according to relevant rules and regulations of the International Civil Aviation Organization (ICAO), has the sole responsibility and rights in its undivided airspace.

The UNMIK decision constitutes a violation of the provisions of Security Council resolution 1244 (1999) and runs counter to Yugoslavia's ICAO membership rights and the rules and regulations of that organization.

At the meeting on normalization of air traffic in the Balkans held between 21 and 23 September 1999 under ICAO auspices, the Federal Republic of Yugoslavia rendered a constructive contribution to the unanimous position taken on the question of normalization of air traffic in the region.

In order to maintain and promote air traffic security, all decisions of international organizations and their organs and bodies should be fully coordinated with the competent air traffic authorities of the Federal Republic of Yugoslavia. Accordingly, the Government of the Federal Republic of Yugoslavia expects that the UNMIK decision be revoked and that the question of the opening of Pristina Airport for commercial flights be resolved in cooperation with the Federal Republic of Yugoslavia on the basis of the rules and regulations of the ICAO Convention, of which the Federal Republic of Yugoslavia is one of the signatory parties.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

99-28308 (E) 011099

UNITED
NATIONS

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Security Council

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S/1999/1020
4 October 1999

ORIGINAL: ENGLISH

The Netherlands: draft resolution

The Security Council,

Recalling its previous relevant resolutions and in particular its resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998 and 1242 (1999) of 21 May 1999,

Recalling also the report of the Secretary-General of 19 August 1999 (S/1999/896), in particular, paragraphs 4 and 94,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that paragraph 2 of resolution 1153 (1998), as extended by resolution 1242 (1999), shall be modified to the extent necessary to authorize States to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly related thereto, sufficient to produce an additional sum, beyond that provided for by resolution 1242 (1999), equivalent to the total shortfall of revenues authorized but not generated under resolutions 1210 (1998) and 1153 (1998), 3.04 billion United States dollars, within the period of 180 days from 0001 hours, eastern standard time, on 25 May 1999;

2. Decides to remain seized of the matter.

99-28544 (E) 041099

UNITED NATIONS **S**

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S/1999/1021
4 October 1999

ORIGINAL: ENGLISH

LETTER DATED 1 OCTOBER 1999 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a summary of the indictment returned against Usama bin Laden and Muhammad Atef in United States Federal Court, Southern District New York, on 4 November 1998 (see annex).

The United States Government has repeatedly requested of Taliban representatives in various parts of the world, before and after 4 November 1998, that the Taliban turn Usama bin Laden and Muhammad Atef over to United States authorities and comply in general with the demand contained in Security Council resolution 1214 (1998) of 8 December 1998 "that the Taliban stop providing sanctuary and training for international terrorists ... and that all Afghan factions cooperate with efforts to bring indicted terrorists to justice". Between August 1998 and 1999, the Taliban rejected over 20 requests from the United States to expel or turn over Usama bin Laden and members of his terrorist organization to responsible authorities in a country where he could be brought to justice.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) A. Peter BURLEIGH

99-28465 (E) 041099

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Annex

Indictment summary

On 4 November 1998, Usama bin Laden and Muhammad Atef, aka "Abu Hafs", were indicted in Manhattan Federal Court for the 7 August 1998 bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and for conspiring to kill American nationals outside of the United States.

The United States Department of State also announced on 4 November 1998 rewards of up to $5 million each for information leading to the arrest or conviction of bin Laden and Atef.

The first count of the indictment charges that bin Laden and Atef, along with co-defendants Wadih el Hage, Fazul Abdullah Mohammed, Mohamed Sadeek Odeh and Mohamed Rashed Daoud Al-Owhali, acted together with other members of "al Qaeda", a worldwide terrorist organization led by bin Laden, in a conspiracy to murder United States nationals. The objectives of this international terrorist conspiracy allegedly included: killing members of the American military stationed in Saudi Arabia and Somalia; killing United States nationals employed at the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania; and concealing the activities of the co-conspirators by, among other things, establishing front companies, providing false identity and travel documents, engaging in coded correspondence and providing false information to the authorities in various countries.

Bin Laden's organization al Qaeda allegedly functioned both on its own and through some of the terrorist organizations that operated under its umbrella, including the Al Jihad group based in Egypt, the Islamic Group (aka "El Gamaa Islamia" or simply "Gamaa't"), led at one time by Sheikh Omar Abdel Rahman, and a number of jihad groups in other countries including the Sudan, Egypt, Saudi Arabia, Yemen and Somalia. Al Qaeda also allegedly maintained cells and personnel in a number of countries to facilitate its activities, including in Kenya, Tanzania, the United Kingdom and United States.

In order to further this international conspiracy to murder United States nationals, bin Laden and other co-conspirators are alleged to have committed the following acts: (1) providing training camps for use by al Qaeda and its affiliates; (2) recruiting United States citizens including the defendant El Hage to help facilitate the goals of al Qaeda; (3) purchasing weapons and explosives; and (4) establishing headquarters and businesses in the Sudan.

The indictment also alleges that fatwas were issued by bin Laden and a committee of al Qaeda members urging other members and associates of al Qaeda to kill Americans. According to the indictment, several of these fatwas called for attacks on American troops stationed in Saudi Arabia and Somalia. The indictment specifically charges the 7 August 1998 bombings of the United States embassies in Kenya and Tanzania as actions taken in furtherance of this conspiracy to kill American nationals.

Bin Laden and Atef, along with Abdullah Mohammed, Odeh and Al-Owhali, are also charged with bombing the two embassies and causing the deaths of more than 200 persons and injuring more than 4,500 others. Those five defendants are also charged with murdering all of the civilians killed in the embassy bombings. The indictment names all of the victims of the bombings and each victim is charged as a separate count of murder for a total of 224 counts of murder against bin Laden, Atef, Abdullah Mohammed, Odeh and Al-Owhali.

UNITED NATIONS **S**

Security Council

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S/1999/1022
4 October 1999
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 3 OCTOBER 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States and British aircraft based in Saudi Arabia, Kuwait and Turkey continued between 22 and 30 September 1999 and that the aircraft in question engaged in acts of aggression, reconnaissance activities and acts of provocation, as set forth in the annex hereto.

You are requested to intervene with the United States, the United Kingdom and the countries that provide the facilities for these acts of aggression, namely Saudi Arabia, Kuwait and Turkey, with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of Iraq.

These actions are continuing to bring death and injury to hundreds of civilians and to cause serious damage to private and public property. The logistic support that Saudi Arabia, Kuwait and Turkey provide to the United States and British forces makes them key partners in the aggression being committed against Iraq, so that they share international responsibility for the consequences of these actions. The Republic of Iraq affirms its right to seek lawful compensation for the damage being inflicted on its people by these same actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Violations by United States and British aircraft and damage caused, 22-30 September 1999

1. In the northern region 60 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres over the following cities and towns: Dohuk, Ninawa, Amadiyah, Tall Afar, Irbil, Zakho, Baibo, Rawanduz, Sinjar and Aqrah.

2. In the southern region 375 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Basrah, Amarah, Artawi, Jalibah, Salman, Hashimiyah, Suq al-Shuyukh, Nu'maniyah, Kut, Qal'at Sukkar, Rifa'i, Ushbayjah, Shinafiyah, Hayy, Ali al-Gharbi, Ali al-Sharqi, Afak, Rumaythah, Taqtaqanah, Diwaniyah, Najaf, Shatrah, Ansab, Busayyah and Qurnah.

3. At 1233 hours on 22 September 1999 United States and British F-14, F-15 and F-16 aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 20 missions from Turkish airspace, were supported from there by an AWACS command and control aircraft and overflew the Mosul, Irbil, Dohuk, Tall Afar, Rawanduz, Aqrah and Amadiyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1545 hours, drove them off.

4. At 1800 hours on 24 September 1999 United States and British F-15, F-16 and Tornado aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 20 missions from Saudi airspace, were supported from there by an AWACS command and control aircraft and overflew the Ansab area. Our air defences, acting in self-defence, engaged the aircraft and, at 1830 hours, drove them off.

5. At 2050 hours on 25 September 1999 United States and British F-14, F-15 and F-16 aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 60 missions from Saudi airspace, were supported from there by an AWACS command and control aircraft and overflew the Artawi, Busayyah, Nasiriyah, Shatrah, Suq al-Shuyukh, Rumaythah, Hayy, Rifa'i, Qal'at Sukkar, Ali al-Sharqi, Afak, Diwaniyah, Lasaf, Najaf, Ushbayjah and Salman areas. Our air defences, acting in self-defence, engaged the aircraft and, at 2225 hours, drove them off.

6. At 2005 hours on 26 September 1999 United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They were supported by an AWACS early-warning aircraft from inside Saudi airspace and also an E-2C aircraft. They carried out 31 missions and overflew the Busayyah, Salman, Samawah, Nasiriyah, Qal'at Sukkar, Lasaf, Hayy, Ali al-Sharqi, Rifa'i, Ushbayjah, Diwaniyah, Basrah and Amarah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 2200 hours, drove them off.

7. At 1205 hours on 26 September 1999 United States and British aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. The aircraft were F-14s and F-15s. They carried out 18 missions and overflew the Zakho, Dohuk, Mosul, Tall Afar, Irbil, Amadiyah, Aqrah, Baibo and Rawanduz areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1507 hours, drove them off.

8. At 1215 hours on 27 September 1999 United States and British aircraft coming from Turkish territory and supported from there by an AWACS early-warning aircraft penetrated Iraq's airspace in the northern region. The aircraft were F-14s, F-15s, F-16s and Tornadoes. They carried out 22 missions and overflew the Zakho, Dohuk, Mosul, Tall Afar, Irbil, Amadiyah, Sinjar and Aqrah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1440 hours, drove them off.

9. At 0131 hours on 27 September 1999 United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 130 missions, 100 from Saudi territory and 30 from Kuwaiti territory, and were supported by an AWACS command and control aircraft from inside Saudi airspace and an E-2C aircraft from inside Kuwaiti airspace. They overflew the Samawah, Salman, Najaf, Diwaniyah, Nasiriyah, Hayy, Kut, Nu'maniyah, Hashimiyah, Jalibah and Busayyah areas. Six civilian residents were wounded, one resident's dwelling was destroyed, and a school in the village of Zabaniyah was damaged. Our air defences, acting in self-defence, engaged the aircraft and, at 2210 hours, drove them off.

10. At 0015 hours on 28 September 1999 United States and British F-14, F-15, F-16, F-18 and Tornado aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 118 missions, 54 from Saudi territory and 64 from Kuwaiti territory, and were supported by an AWACS command and control aircraft from inside Saudi airspace and an E-2C aircraft from inside Kuwaiti airspace. They overflew the Ushbayjah, Shinafiyah, Salman, Nasiriyah, Rifa'i, Shatrah, Taqtaqanah South, Amarah, Basrah, Samawah, Artawi, Qurnah, Ali al-Gharbi, Hayy and Afak areas. Our air defences, acting in self-defence, engaged the aircraft and, at 2325 hours, drove them off.

11. At 1300 hours on 30 September 1999 United States and British F-14, F-15, F-16, F-18 and Tornado aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 16 missions, 10 from Saudi territory and 6 from Kuwaiti territory, and were supported by an AWACS command and control aircraft from inside Saudi airspace and an E-2C aircraft from inside Kuwaiti airspace. They overflew the Jalibah, Artawi, Salman, Busayyah, Ushbayjah, Nasiriyah, Samawah, Rifa'i, Qal'at Sukkar, Rumaythah, Lasaf, Kut, Shatrah, Hayy, Shinafiyah and Taqtaqanah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 2325 hours, drove them off.